
Appeal Decision

Site visit made on 20 September 2016

by Colin Cresswell BSc (Hons) MA MBA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 3 October 2016

Appeal Ref: APP/D0840/W/16/3154231

Landvue, Rosudgeon, Penzance, Cornwall TR20 9PA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Jeffrey Trevorrow against the decision of Cornwall Council.
 - The application Ref PA15/06626, dated 11 July 2015, was refused by notice dated 3 February 2016.
 - The development proposed is demolition of existing concrete store and erection of timber framed shed and formation of improved access to agricultural land.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of existing concrete store and erection of timber framed shed and formation of improved access to agricultural land at Landvue, Rosudgeon, Penzance, Cornwall TR20 9PA in accordance with the terms of the application, reference PA15/06626, dated 11 July 2015, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site/Location Plan, Proposed Block Plan, Proposed Shed West-North-West of Landvue.
 - 3) No development shall commence until details of the following have been submitted to and approved in writing by the local planning authority:
 - i) Plastic mesh surfacing to the proposed access; means of attachment and any ancillary ground works.
 - ii) Design and appearance of the gateway, including any works to make good the Cornish hedge.

Main Issues

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. Trevean Way is a small cul-de-sac situated on the edge of Rosudgeon. One side of the road contains a row of properties set back behind front gardens and driveways. The opposite side of the road has a less developed appearance with
-

hedgerows, trees and mature vegetation along most of the frontage. Behind this vegetated frontage there are spacious rear gardens and agricultural fields, including the appeal site which is used for coppicing trees. As a result, Trevean Way maintains a particularly verdant and rural appearance consistent with its location on the edge of the open countryside. The landscape is designated as an Area of Outstanding Natural Beauty (AONB).

4. The Council takes no issue with the proposed demolition of the existing building and the construction of a new timber shed. However, concerns are raised at the visual impact of the proposed access onto Trevean Way. This would involve removing a section of hedgerow. Vehicles using the new access would cross a small area of grassy open space within the street.
5. The proposed access would create a gap in the hedge and allow more direct views of the field from outside the site entrance. However, the increased exposure of agricultural land along a short length of the street frontage would be in keeping with the verdant and semi-rural characteristics of Trevean Way. I also note that the existing hedgerow at this point is relatively low in height and not as dense as it is in some other parts of the street. Indeed, it is already possible to see through the hedge and into the field behind it, where the coppicing takes place. According to the Council's Statement, the mature trees on either side of the proposed access would not be unduly affected and the appearance of the area of grassy open space would be retained as the mesh surface would allow grass to grow around it. Furthermore, the access would not be particularly noticeable from more distant viewpoints within Trevean Way as the field boundary is set in from the road here. Overall, the proposal would have a relatively minor effect on the appearance of the street scene.
6. Whilst hedgerows are a characteristic feature of the protected landscape in this area, the particular section of hedgerow in question is relatively sparse and in a poor state of repair. Additionally, it is not easily seen from further afield due to the topography of the area. The effect of creating a gap in this part of the hedgerow to form the new access would therefore not undermine the distinctive qualities of the wider AONB. As such, it would be compatible with the objectives of the AONB Management Plan 2011-2016.
7. I therefore conclude on this matter that the proposed development would have an acceptable effect on the character and appearance of the area. There would be no conflict with policies GD1, GD2 or CC1 of the Penwith Local Plan 2004 which require development to respect the characteristics of their surroundings. There would also be no conflict with paragraphs 109 and 115 of the National Planning Policy Framework, which give great weight to conserving scenic beauty within designated AONB landscapes.

Other Matters

8. Interested parties argue that vehicles emerging from the proposed access would represent a safety hazard as the junction onto Trevean Lane has poor visibility. However, there is limited evidence to suggest that this junction is necessarily unsafe and given the relatively low-intensity use of the coppicing operation, the amount of additional vehicle movements generated from the new access point is unlikely to be significant. Nor would it interfere with the parking of cars within Trevean Way.

9. It is also argued that there is no need to create a new access in Trevean Way as the existing access to the field (in Trevean Lane) is adequate. It is stated that the existing access is not prone to waterlogging as the appellant contends and could be widened if necessary. Whilst I recognise these concerns, I have found that the proposal would not lead to unacceptable harm.

Conditions

10. In the interests of certainty, a condition requiring compliance with the approved plans has been imposed, together with the standard time limit condition. To protect the character and appearance of the area, a condition is also imposed requiring further details of the surfacing works, gateway and changes to the hedge.

Conclusion

11. For the above reasons, and having regard to all other matters raised, I therefore conclude that the appeal should be allowed.

Colin Cresswell

INSPECTOR